IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.402 OF 2006.
IN
CRIMINAL APPEAL NO. 375 OF 2006.

Jivashree @ Santosh Prasad Naidu. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

None for the Applicant.

Ms.S.V.Gajare, A.P.P. for the Respondent-State.

CORAM : ABHAY S.OKA, J.

DATED : 8th November, 2006.

P.C.:

1. Rule. The learned A.P.P. waives service for the State. The office is following the practice of numbering and registering Appeals even before the delay in preferring the Appeal is condoned. As a result of this practice, Criminal Appeal No.375 of 2006 was placed for admission on board on 19th April 2006. There is no remark on the farad sheet of the Appeal that there is delay in preferring the Appeal and a separate application for condonation of delay is filed. That is the reason why the Appeal was admitted on 19th April 2006 without noticing that there is a delay in preferring the Appeal and a separate application for condonation of delay is filed. On that day the Appeal could not have been listed for admission and could not have been admitted.

2. Hence the order dated 19th April 2006 passed in the Appeal is recalled.

3. There is sufficient cause for condonation of delay. Rule is made absolute in terms of prayer clause (i).

Judge.